

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

January 31, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR. 03-00179HG

CASE NAME: U.S.A. vs. (01) DONALD MORTON, aka "Nakoa"

ATTYS FOR PLA: Louis A. Bracco
Daniel L. Olson, Special Agent, FBI

ATTYS FOR DEFT: Richard D. Gronna

U.S.P.O.: Rosanne T. Donohoe

JUDGE: Helen Gillmor

REPORTER: Stephen Platt

DATE: January 31, 2006

TIME: 10:00 - 11:08

COURT ACTION: SENTENCING TO COUNTS 1 AND 2 OF THE INDICTMENT
AS TO (01) DONALD MORTON -
GOVERNMENT'S MOTION FOR 5K1.1 DOWNWARD
DEPARTURE -

The defendant is present in custody.

The Memorandum of Plea Agreement is accepted.

The Government's Motion for 5K1.1 Downward Departure is GRANTED.

Allocution by the defendant.

ADJUDGED: Impr of 150 mos as to Count 1 and 120 mos as to Count 2, with both such terms to be served concurrently.

SUPERVISED RELEASE: 10 yrs as to Count 1 and 3 yrs as to Count 2, with both such terms to be served concurrently, upon the following conditions:

- 1 That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).

3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
5. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
8. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
9. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.

Special assessment: \$200.

Advised of rights to appeal the sentences, etc.

RECOMMENDATIONS: FCI Tallahassee, FL, or in the alternative, FCI Marianna, FL. That the defendant participate in drug treatment, educational and vocational training programs. It is further recommended that the defendant serve his supervised release in the state of Florida.

Submitted by: David H. Hisashima, Courtroom Manager

